

08 C 526

Exhibit 1

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34 and 35

United States Patent and Trademark Office

Reg. No. 3,328,718
Registered Nov. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

MIYANO

MIYANO MACHINERY USA, INC. (ILLINOIS
CORPORATION)
940 NORTH CENTRAL AVENUE
WOOD DALE, IL 60191

FOR: MACHINES AND MACHINE TOOLS,
NAMELY, TURNING CENTERS, LATHES, VERTI-
CAL MACHINING CENTERS AND ALL PARTS
THEREFOR, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31,
34 AND 35).

FIRST USE 1-9-1975; IN COMMERCE 1-9-1975.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,217,317, 1,473,925,
AND 1,527,809.

SER. NO. 77-111,956, FILED 2-20-2007.

GEORGIA CARTY, EXAMINING ATTORNEY

Exhibit 2

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office

Reg. No. 1,527,809
Registered Mar. 7, 1989

**TRADEMARK
PRINCIPAL REGISTER**



MIYANO MACHINERY USA INC. (ILLINOIS
CORPORATION)
940 NORTH CENTRAL AVENUE
WOOD DALE, IL 60191

FOR: MACHINES AND MACHINE TOOLS -
NAMELY, TURNING CENTERS, LATHES,
VERTICAL MACHINING CENTERS AND ALL
PARTS THEREFOR, IN CLASS 7 (U.S. CL. 23).

FIRST USE 10-1-1985; IN COMMERCE
10-1-1985.

OWNER OF U.S. REG. NOS. 1,217,316, 1,473,925
AND OTHERS.

SER. NO. 725,783, FILED 5-2-1988.

GERARD ROGERS, EXAMINING ATTORNEY

Exhibit 3

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office

Reg. No. 1,217,317
Registered Nov. 23, 1982

TRADEMARK
Principal Register



Miyano Machinery (U.S.A.) Inc. (Illinois corporation)
1800 N. Rockwell St.
Chicago, Ill. 60647

For: POWER LATHES, AND BAR FEEDERS
THEREFOR, in CLASS 7 (U.S. Cl. 23).
First use Jan. 1970; in commerce Jan. 1970.

The mark is composed of the word Miyano with the double winged letter "M" superimposed in a triangle.

Ser. No. 328,921, filed Sep. 21, 1981.

CANDICE ABATE, Examining Attorney

Exhibit 4

Trademark/Service Mark Application, Principal Register

Serial Number: 77176918

Filing Date: 05/09/2007

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77176918
MARK INFORMATION	
*MARK	\TICRS2\EXPORT12\771\769\77176918\xml1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	M MIYANO
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of The mark consists of the word Miyano with double winged letter "M" superimposed in a triangle..
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	406 x 370
APPLICANT INFORMATION	
*OWNER OF MARK	Miyano Machinery USA Inc.
*STREET	940 N. Central Avenue
*CITY	Wood Dale
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60191
PHONE	312-245-7500
FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Illinois
GOODS AND/OR SERVICES SECTION	

INTERNATIONAL CLASS	037
DESCRIPTION	Repair and refurbishing services in connection with machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/1970
FIRST USE IN COMMERCE DATE	At least as early as 01/01/1970
SPECIMEN FILE NAME(S)	\TICRS2\EXPORT12\771\769\77176918\xml1\APP0003.JPG
SPECIMEN DESCRIPTION	Service and repair personnel wearing shirts with design mark.
ATTORNEY INFORMATION	
NAME	George H. Kobayashi
ATTORNEY DOCKET NUMBER	2260-2010
FIRM NAME	Masuda, Funai, Eifert & Mitchell, Ltd.
STREET	203 N. LaSalle Street
INTERNAL ADDRESS	Suite 2500
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60601
PHONE	312-245-7500
FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Sayaka Kawakami
CORRESPONDENCE INFORMATION	
NAME	George H. Kobayashi
FIRM NAME	Masuda, Funai, Eifert & Mitchell, Ltd.
STREET	203 N. LaSalle Street
INTERNAL ADDRESS	Suite 2500
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60601

PHONE	312-245-7500
FAX	312-245-7467
EMAIL ADDRESS	gkobayashi@masudafunai.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEES INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
TOTAL FEE DUE	325
SIGNATURE INFORMATION	
SIGNATURE	/George H. Kobayashi/
SIGNATORY'S NAME	George H. Kobayashi
SIGNATORY'S POSITION	Attorney at Law
DATE SIGNED	05/09/2007
FILING INFORMATION SECTION	
SUBMIT DATE	Wed May 09 18:05:57 EDT 2007
TEAS STAMP	USPTO/BAS-206.165.85.15-2 0070509180557961701-77176 918-3708a1ddb77b266e6e535 941cc583e5d-CC-788-200705 09172659674129

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77176918
Filing Date: 05/09/2007

To the Commissioner for Trademarks:

MARK: M MIYANO (stylized and/or with design, see mark)

The literal element of the mark consists of M MIYANO. The applicant is not claiming color as a feature of the mark. The mark consists of The mark consists of the word Miyano with double winged letter "M" superimposed in a triangle..

The applicant, Miyano Machinery USA Inc., a corporation of Illinois, having an address of 940 N. Central Avenue, Wood Dale, Illinois, United States, 60191, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 037: Repair and refurbishing services in connection with machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor.

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 037, the mark was first used at least as early as 01/01/1970, and first used in commerce at least as early as 01/01/1970, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or

in connection with any item in the class of listed goods and/or services, consisting of a(n) Service and repair personnel wearing shirts with design mark..

Specimen File1

The applicant hereby appoints George H. Kobayashi and Sayaka Kawakami of Masuda, Funai, Eifert & Mitchell, Ltd., Suite 2500, 203 N. LaSalle Street, Chicago, Illinois, United States, 60601 to submit this application on behalf of the applicant. The attorney docket/reference number is 2260-2010.

Correspondence Information: George H. Kobayashi
Suite 2500
203 N. LaSalle Street
Chicago, Illinois 60601
312-245-7500(phone)
312-245-7467(fax)
gkobayashi@masudafunai.com (authorized)

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /George H. Kobayashi/ Date Signed: 05/09/2007

Signatory's Name: George H. Kobayashi

Signatory's Position: Attorney at Law

RAM Sale Number: 788

RAM Accounting Date: 05/10/2007

Serial Number: 77176918

Internet Transmission Date: Wed May 09 18:05:57 EDT 2007

TEAS Stamp: USPTO/BAS-206.165.85.15-2007050918055796

1701-77176918-3708a1ddb77b266e6e535941cc

583e5d-CC-788-20070509172659674129



Exhibit 4



Exhibit 4



Exhibit 4



Exhibit 4

Exhibit 5

Int. Cl.: 7

Prior U.S. Cl.: 23

Reg. No. 1,473,925
Registered Jan. 26, 1988

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

MIYANO THE WORLD LEADER IN PRECISION

MIYANO MACHINERY USA INC. (ILLINOIS
CORPORATION)
940 NORTH CENTRAL AVENUE
WOOD DALE, IL 60191

FOR: MACHINES AND MACHINE TOOLS -
NAMELY, TURNING CENTERS, LATHES,
VERTICAL MACHINING CENTERS AND ALL
PARTS THEREFOR, IN CLASS 7 (U.S. CL. 23).

FIRST USE 10-1-1985; IN COMMERCE
10-1-1985.

OWNER OF U.S. REG. NOS. 1,217,316 AND
1,217,317.

SER. NO. 650,153, FILED 3-19-1987.

STEVEN R. FINE, EXAMINING ATTORNEY

Exhibit 6

*Used stamping press, powder metal, wire and CNC specialist.
We buy and sell stamping presses, powder metal presses, CNC wire forming, four-slides, verti-slides, multi-slides, CNC, grinders, mills, and lathes.
AIM, Alpha, Bihler, Bliss, Blanchard, Dorst, Minster, Mori-Seiki, Niagara, Nilson, Okuma, OMCG, Torin, Toshiba, US Baird® and more.*

****One Piece or Entire Plant****

R.T. Machinery Sales, Inc.

12350 E. 9 Mile Road, Suite 18 Warren, Michigan 48089
Phone: 586-757-1600 Fax: 586-757-1685 Email: sales@rtmachinery.com

[Home](#) | [About Us](#) | [Used Machinery](#) | [FAQ](#) | [Links](#) | [Contact Us](#) | [Request for Quote](#)

We carry Miyano machines and equipment

FIND EQUIPMENT

Adobe Acrobat is required to read files. If you do not have it presently installed, please visit <http://www.adobe.com/products/acrobat/readstep2.html> for a "free" download.

R.T. Machinery Sales, Inc. is a machinery dealer offering equipment for sale.

We currently have MIYANO machine and equipment including **CNC DRILLING AND TAPPING MACHINE**. We have been buying and selling used metal working and material handling machinery for years. In addition to selling equipment listed here, we buy and sell all used stamping and fabricating equipment, metalworking machines, and industrial machinery and equipment.

Call or email; we make offers and quote on all used industrial machines!

CNC MACHINING

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Exhibit 6

Exhibit 7

R.T. MACHINERY SALES, INC.

New and Used Machinery

12350 E Nine Mile Road – Suite 18
Warren MI 48089
(586) 757-1600 / Fax: (586) 757-1685
Email: sales@rtmachinery.com
Website: www.rtmachinery.com

One Used Miyano CNC Drilling and Tapping Machine Model TSV23

S/N TSV230072 1990 Machine No. 10261

Specifications:

Table size..... 12" x 24"
Travels..... 17" (X) / 12" (Y) / 9" (Z)
Maximum spindle speed..... 8,000 RPM
Spindle taper..... BT 30
Number of turrets stations 16

Equipped with:

Fanuc OM CNC Control
Tsudokoma Pallet Changer w/(2) 12" x 19" Tables
Coolant Tank & Pump

Price..... \$(please contact us for pricing)

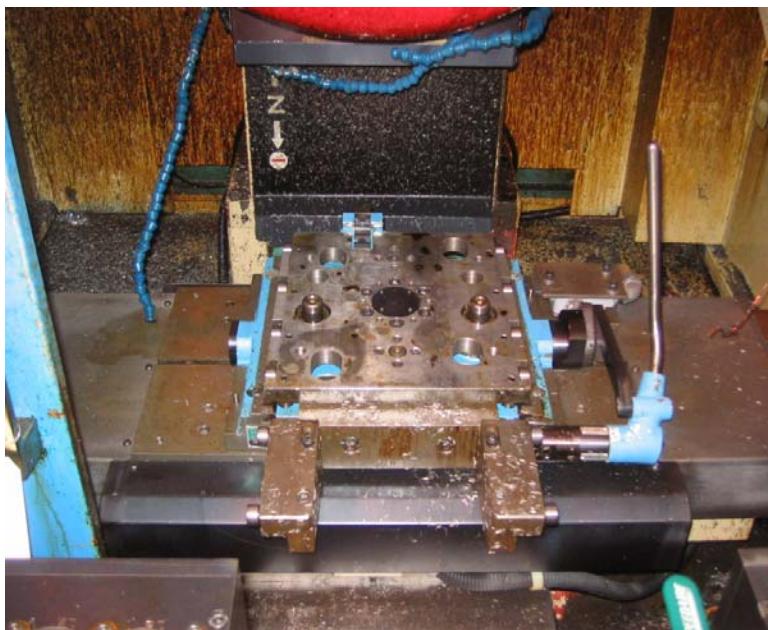


Exhibit 7

Exhibit 8

PRESS RELEASE

IRCJ approves application for assistance for Miyano Machinery Japan Inc.

Tokyo, June 4, 2004 – The Industrial Revitalization Corporation of Japan (“the IRCJ”) today approved an application by Miyano Machinery Japan Inc. for assistance under Article 22, Clause 3 of the Industrial Revitalization Corporation Act of 2003.

1. Outline of business approved for assistance

Company name	Miyano Machinery Japan Inc. (hereafter, “Miyano”)
Date of establishment	1929
Capital	705 million yen
Head office	Ueda City, Nagano Prefecture
Representative	Mr. Toshiharu Miyano
Number of employees	386 (as of December 31, 2003)
Outline of business	Manufacture and sale of industrial machinery and machine tools.

2. Name of financial institution or other party jointly submitting application

Sumitomo Mitsui Banking Corporation

3. Outline of business revitalization plan and rationale for IRCJ involvement

1. Outline of business plan

1. Selection and concentration of manufacturing lines

The number of models being manufactured will be reduced by approximately 50% from current levels after selection for competitive superiority, and earnings improved by focusing on a reduced number of business segments. Continuing business segments into which management resources have been concentrated will undertake active new product development.

2. Improved manufacturing and sales efficiency

Manufacturing plants and sales offices will be integrated, overseas sales divisions restructured, and the scale of business activities optimized for maximum manufacturing and sales efficiency.

3. Introduction of cost structure responsive to changes in business environment

The cost structure of Miyano will be reformed to make it more responsive to changes in the business environment, through measures such as reviewing the company pension system and increasing the variable portion of employee compensation.

4. Numerical targets

For the fiscal year ending December 2007, the business revitalization plan targets net sales to be at the same level as they are currently, with operating income of approximately 900 million yen.

2. Organizational restructuring

The group will withdraw from non-core businesses. Core businesses will be reorganized through initiatives such as establishing a holding company for overseas marketing companies, and overall group organization will be restructured, and governance clarified, through measures such as management transfers of Group companies.

The business revitalization assumes a capital of input of 2 billion yen by the IRCJ for capital expenditure and other necessary investment.

3. Outline of financial support

Financial support of approximately 2.94 billion yen will be sought from financial institutions, in the form of debt forgiveness or debt equity swaps.

4. Implications for management

Both the current president and the current vice-president will resign as directors, as will the other directors. Any subsequent responsibilities will be decided in cooperation with the IRCJ and other parties. All resigning directors are declining any entitlement to retirement benefits. Eighty percent of shares in Miyano held by directors or by the president's family will be cancelled without compensation following the capital decrease outlined below. This will effectively reduce the share capital of these shareholders by 90%, through the combined effect of reducing total share capital by 50%, and canceling without compensation 80% of the remaining 50% of shares.

5. Implications for shareholders

The relative shareholding of existing shareholders will be reduced, in accordance with the 50% reduction in capital, and the third party allocation of new shares to the IRCJ and others.

6. IRCJ rationale for providing assistance

1. Cause of current situation

Due to factors including over-investment in manufacturing plant during the bubble period and the subsequent burden of interest-bearing debt, Miyano became unable to invest sufficiently in its business and was unable to reform its revenue base. The continued burden on Miyano of high levels of interest-bearing debt has now brought the Company to an intractable position.

2. Possibility of revitalization

At the product level, Miyano holds some leading market shares and has considerable competitive strength. Miyano has strong product development and technical skills in the production of highly rigid, automated NC lathes, and has developed a strong customer base of mainly small and medium sized auto parts makers by working closely with them to meet their needs. Miyano has a leading market share in products such as small and medium sized barwork NC lathes.

The IRCJ believes that there is a strong possibility of successfully revitalizing the company by taking measures such as eliminating excessive interest-bearing debt; investing sufficiently in necessary capital equipment; creating a cost structure that is more responsive to changes in the business environment; and reducing the number of models produced by approximately half by focusing manufacturing efforts on products that have recognized competitive superiority.

The IRCJ also believes that cost structure reforms and other measures to be taken

in the revitalization of Miyano will serve as a model case for the revitalization of industrial machinery manufacturers.

4. Comments from the State Minister In Charge Of Industrial Revitalization And Administrative Reforms and the minister relevant to the company seeking assistance:

None expressed.

*Note on comments from ministers:

The IRCJ is a quasi-governmental organization. As such it is IRCJ policy to obtain comments about decisions to assist private-sector companies from the government ministries that regulate the industries in which these companies operate.

5. Debt repurchase application period

The application period for the repurchase of debt from Miyano is from June 4, 2004 to July 13, 2004.

Note: The debt repurchase application period is a period established for the purpose of consensus building between the financial institutions concerned and the IRCJ in regard to debt repurchase and the revitalization plan. This period is so named because, where agreement is achieved in legal terms, the financial institutions concerned apply to the IRCJ for debt repurchase etc.

6. Request for temporary cessation of demands for credit repayment

Under Article 24, Clause 1 of the Industrial Revitalization Corporation Act, financial institutions and other creditors of Miyano have been requested not to recover loans or exercise any other rights they may have as creditors before the end of the debt repurchase application period as per item 5 above.

7. Treatment of trade and other creditors

The decision to provide assistance concerns only the request for financial support made to financial institutions in regard to amounts lent to the assisted business and has no effect on the claims of trade and other creditors.

For more information, please contact

Corporate Planning Department
The Industrial Revitalization Corporation of Japan
Tel: 03-6212-6437

#

About the IRCJ:

The IRCJ was established jointly by the public and private sector on April 16, 2003, with the aim of providing revitalization assistance beneficial to both the industrial and the financial sectors in Japan. It targets assistance at companies that have sound business fundamentals but are unable to thrive because of excessive debt levels or other factors. The IRCJ has approximately 160 employees and is based in Tokyo. For more information please visit www ircj co jp

Exhibit 9

(210) [Application number] 2004-075219
(220) [Application date] 2004/08/13
[Date of entry into force of prior right] 2004/08/13
[Date of final disposition]
[Type of final disposition]
[Type of application]

[Trademark(for retrieval)] M Miyano
(531) [Figure Term(Vienna Classification)] 3.7.17; 26.3.1; 26.3.7; 26.3.15; 26.3.18; 27.5.1.13; 27.5.8;
27.5.21

[Similar group code] 09A01 09A02 09A03 09A05 09A06 09A07 09A08
09A09 09A10 09A11 09A13 09A41 09A43 09A45
09A47 09A61 09A62 09A63 09A64 09A65 09A66
09A67 09A68 09A69 09A70 09B01 09B02 09C01
09D01 09E23 09E24 09E26 09E27 09E28 09E29 09E30
09F01 09F02 09F03 09F04 09F05 09G54 09G55 09G63
11A01 11A06 11D01
[Applied law] Trademark Law in 1996
[Edition of International Classification] 8
(500) [Number of class] 1
(511)(512) [Class]

(210) 2004-075219

(540)

[1/1]



Exhibit 9

Exhibit 10

(210) [Application number] 2004-075218
(220) [Application date] 2004/08/13
[Date of entry into force of prior right] 2004/08/13
[Date of publication of application] 2004/09/09
[Transmission date of refusal]
[Date of final disposition]
[Type of final disposition]
[Type of application]

[Trademark(for retrieval)] M
(531) [Figure Term(Vienna Classification)] 3.7.17; 27.5.1.13; 27.5.8; 27.5.21

[Additional information]
(641) [Repetition number]
[Appeal/Trial number]
[Type of appeal/trial]
[Date of request for appeal/trial]
[Petition and joukoku-appeal division]
[Petition and joukoku-appeal division number]
[Date of petition and joukoku-appeal]

[Similar group code] 09A01 09A02 09A03 09A05 09A06 09A07 09A08
09A09 09A10 09A11 09A13 09A41 09A43 09A45
09A47 09A61 09A62 09A63 09A64 09A65 09A66
09A67 09A68 09A69 09A70 09B01 09B02 09C01
09D01 09E23 09E24 09E26 09E27 09E28 09E29 09E30
09F01 09F02 09F03 09F04 09F05 09G54 09G55 09G63
11A01 11A06 11D01
[Applied law] Trademark Law in 1996
[Edition of International Classification] 8
(500) [Number of class] 1
(511)(512) [Class]

(210) 2004-075218

(540)

[1/1]



Exhibit 10